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THE INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

OCTOBER 1985 VOL. V, NO. 5

JOINT INTERIM SUBCOMMITTEE ON VO-TECHS AND JOB TRAINING

OCTOBER 4 MEETING

Senator George McCallum, acting chairman of the Joint Interim Subcommittee on Vo-Techs and Job Training, called the first meeting for Friday, October 4, at 9:00 a.m. in Room 104 of the Capitol.

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OCT 8 - 1985

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The purpose of this organizational meeting was to elect a chairman and vice-chairman and to review, receive comments on, modify, and adopt a study plan and tentative work schedule for each study assigned to the Subcommittee. The tentative morning agenda included the election of officers and the review and discussion of the vo-tech governance and funding study plan. The afternoon agenda was devoted to the job training and placement study plan and the proposed work schedule for both studies.

JOINT INTERIM SUBCOMMITTEE ON THE LAW ENFORCEMENT ACADEMY

OCTOBER 7 MEETING

The Joint Interim Subcommittee on the Law Enforcement Academy will hold its first meeting of the interim on Monday, October 7, at 10:00 a.m. in Room 104 of the Capitol.

At this meeting, the Subcommittee will elect officers, consider a staff study plan for HJR 50, and establish criteria for consideration of proposals for location of the Montana Law Enforcement Academy. The Subcommittee has invited interested parties to address the study plan and to speak on the facility/site needs of the academy.

NO PROPOSALS NOW, PLEASE

At the request of Senator Aklestad, acting chairman, the public is urged not to present proposals for discussion at this first meeting.

Montana Legislative Council

JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS

OFFICERS ELECTED

Officers elected at the first meeting of the Joint Interim Subcommittee on Lien Laws on September 20 were Senator Mike Halligan, chairman, and Representative John Mercer, vice-chairman.

Subcommittee members decided to approach the study as a review of philosophical principles underlying lien laws for perspective as to uniformity and comprehensiveness rather than as a piecemeal look at specific statutory liens.

NOVEMBER 8 AND 9 MEETINGS

For the next meeting on Friday and Saturday, November 8 and 9, focus will be on exemptions, foreclosures, and executions provisions, and uniform laws. During those meetings, the Subcommittee will also hear discussion on mechanics' (construction) liens, livestock liens, and wage earners' liens.

The Subcommittee will meet in Room 108 of the Capitol at 10:00 a.m. on November 8 and at 8:00 a.m. on November 9.

JOINT INTERIM SUBCOMMITTEE ON AGRICULTURAL PROBLEMS

AUGUST 30 MEETING HELD

The first meeting of the Subcommittee on Agricultural Problems was held August 30. Senator Allen Kolstad was elected chairman, and Representative Gay Holliday was elected vice-chairman.

The Subcommittee reviewed the staff study plans for HJR 36 on wildlife damage and for HJR 57 on the general economic problems of agriculture.

U.S. SENATOR TESTIFIES

The Subcommittee also heard public testimony on study issues, including testimony by U.S. Senator John Melcher, who spoke on the economic plight of agriculture and the need for support of pending federal legislation.

STUDY PLAN UNDER STUDY

Because testimony consumed much of the day, the Subcommittee was unable to take action on either of the two study plans. As a consequence, the following subcommittee was appointed to consider the study plan for HJR 36 on wildlife damage: Senators Lane and Galt, and Representatives Rapp-Svrcek and Asay.

In addition, the Subcommittee directed the staff to prepare a survey to poll the Subcommittee members on the study topics they wished to examine

as part of the study on the economic problems of agriculture, HJR 57. No date has been set for the next meeting.

ENVIRONMENTAL QUALITY COUNCIL

EQC TO TOUR OIL AND GAS FACILITIES

The Environmental Quality Council will tour oil and gas operations in eastern Montana on October 14 and 15. The tour will begin with a visit to several production facilities near Sidney, including ANR's gas plant, the Phillips Duperow facility, a salt water disposal site, and active drilling rigs. On the second day, Council members will view Shell Oil's operations along the Cedar Creek anticline in the Glendive-Baker area. The Council will hear presentations from industry, regulatory agencies, and other parties involved in oil and gas development, and will visit the Board of Oil and Gas Conservation office in Billings on its return trip October 16.

EQC TO PUBLISH INFO ON CHEMICAL LAW

At its September 6 meeting, EQC examined agency implementation of the Montana Environmental Policy Act through three case studies -- the Stillwater Mine, the Frenchtown mill wastewater discharge permit, and the grizzly bear programmatic environmental impact statement. The Council also discussed the new Employee and Community Hazardous Chemical Information Act and directed staff to prepare public informational materials to help explain this "right-to-know" bill.

The EQC Land Resources Subcommittee began a review of the alternative energy grant and loan program and received an update on hazardous waste management issues. Future Subcommittee meetings will include consideration of the Hard Rock Mining Impact Act, the Superfund program, and other mineral development issues. The Water Resources Subcommittee will focus on a variety of state water quality issues during the interim.

LEGISLATIVE COUNCIL

COUNCIL MEETING SEPTEMBER 6

The Legislative Council met September 6 and considered a number of issues. One of the most important for future legislatures was the planning of the Council's study of legislative printing. This issue was outlined last month in the Interim. The Council tentatively plans to meet November 8 to kick off this in-depth review.

In other business the Council approved continued staff testing of state participation in the Block Boundary Suggestion Project sponsored by the Bureau of the Census. Participation in this project offers an opportunity to improve the reporting to our state of census population counts. The Council also approved submission of a grant application to support a legislative review of the problems associated with the lack of juvenile detention facilities that meet federal standards.

PUBLICATIONS PROBLEMS

The printers are failing to meet contract deadlines this year, so legislative publications have been delayed. The Session Laws were shipped September 11, which was 17 days late under the contract. A more serious problem is the Montana Code, which was due to be shipped September 28. The contractor says he has ordered cover stock too late and will not be able to ship completed work until mid-October. The Legislative Council has invoked the penalty clause in the contract, but unfortunately that does not put books into subscribers' offices. Journals will be completed after the Code is shipped.

LEGISLATIVE FINANCE COMMITTEE

SEPTEMBER 21 MEETING HELD

On September 21 the Legislative Finance Committee met in the Capitol to hear reports from its staff and from executive agencies and to act on budget amendments.

GENERAL FUND REVENUE

The Committee was told the general fund had fiscal year 1985 revenue totaling $367.7 million and ended the year with an unreserved balance (i.e., net of inventories and encumbrances) of $27.6 million. The staff report was based on unaudited financial statements prepared by the Department of Administration; the Legislative Auditor is expected to complete his review of the statements in October. Compared with forecasts made by the Legislative Fiscal Analyst and those contained in HJR 9, actual revenue was higher than anticipated, with the major dollar underestimates occurring in coal trust fund interest and the corporation license tax. Projections of the ending fund balance were also low, due to the underestimation of revenue and reversions. General fund reversions totaled $29.5 million and included $3.8 million from the Department of Social and Rehabilitation Services.

PRISON POPULATION

The prison population for the first two months of fiscal 1986 has averaged 870 inmates. The prison was budgeted for a population of 800. This population requires high security inmates to be double bunked in the close units and up to 100 minimum security inmates to be bunked in the gymnasium. The prison expansion should be completed by February or March 1986, providing a single-bed capacity of 744, or 126 less than the current average population. Obviously some inmates will remain double bunked. The variable or incremental costs of incarceration may exceed the budget. According to the report given, the food costs alone will exceed the budget by $140,000 for the biennium. In addition, the corrections medical expenditures may exceed the budget. Fiscal 1985 medical expenditures exceed the budget by $238,050. However, because the medical appropriation is biennial, the Department does not anticipate serious problems before the 1987 Legislature convenes.

MONTANA YOUTH TREATMENT CENTER

The Montana Youth Treatment Center is a licensed psychiatric hospital established for the treatment and evaluation of seriously emotionally disturbed adolescents. The center, located in Billings, has a capacity of 60 patients, and is budgeted for 40 patients in fiscal 1986 and 55 in fiscal 1987 with authorized FTE of 94.52 in fiscal 1986 and 112.26 in fiscal 1987. Since its opening on April 30, 1985, with the transfer of 24 patients from the children's unit at Warm Springs, the center had 19 new admissions within the first two months before the facility was fully staffed. There have been numerous runaways and a minor riot primarily as a result of inadequate staffing. In addition, a Medicaid survey found the nursing staff deficient by three RNs and two LPNs as well as insufficient psychiatric coverage. Additional nursing staff will be hired by early October. The center is recruiting for a full-time psychiatrist and has contracted for a total of 20 hours per week with two local psychiatrists. The Medicaid survey team found this level of coverage inadequate. Therefore, Medicaid certification will be withheld until a full-time psychiatrist is hired or sufficient coverage is contracted.

NEXT MEETING NOVEMBER 15-16

The next Legislative Finance Committee meeting will be November 15 and 16.

ADMINISTRATIVE CODE COMMITTEE

RULES REVIEWED SEPTEMBER 6

The Administrative Code Committee met September 6 and considered rulemaking contained in Issues 12 through 15 of the 1985 Montana Administrative Register. The Committee received a report from State Auditor and Insurance Commissioner, Andrea Bennett, concerning the emergency rules adopted restricting midterm cancellations and non-renewals for casualty and property insurance coverage. The Committee also reviewed the joint rules proposed by the Insurance Commissioner and the Human Rights Commission implementing the nongender discrimination in insurance law. The Committee also received a report from Larry Akey of the Secretary of State's Office relating to the fees for filing and subscribing to rules.

PLEASE CONTACT COMMITTEE

The Committee's next meeting is tentatively scheduled for November 22. Please remember to contact the Committee concerning any concerns you may have with proposed or existing rules.

CAPITOL BUILDING AND PLANNING

OCTOBER 18 SUBCOMMITTEE MEETING

A subcommittee of the Capitol Building and Planning Committee will meet October 18 with several of the leadership to determine whether there is a way to plan further work on the Capitol. Currently some $4.9 million remain from bond proceeds for Capitol renovation with no consensus as to an acceptable plan for using the money. The subcommittee plans to start at the beginning to explore what the Capitol ought to be for and to then see if any solutions can be found to the patterns of perennial impasse suffered lately.

REVENUE OVERSIGHT COMMITTEE

REVIEW OF SEPTEMBER 6 MEETING

The Revenue Oversight Committee held its third meeting of the interim on September 6. Items discussed included property exempted from taxation, the implementation of HB 704, the Department of Revenue's liquor enterprise, and a presentation by Bruce Kania of Manhattan on Montana's ethanol (gasohol) industry. The Committee requested its staff to provide, at the Committee's tentatively scheduled January meeting, additional information on the payment of the alcohol production tax incentive.

NOVEMBER 15 MEETING SCHEDULED

The Revenue Oversight Committee will not meet in October but has a meeting scheduled for November 15 in Helena. Items tentatively scheduled for discussion are potential revenue implications of proposed federal tax reform, possible measures for improving Montana's property tax payment schedules, and methods employed in other states to deal with property taxes paid under protest.

COAL TAX OVERSIGHT SUBCOMMITTEE

OCTOBER 10 AND 11 DATE SET

Reports from the Department of Natural Resources and Conservation, the Coal Board, the Department of Fish, Wildlife, and Parks, and the Montana Arts Council on the use of coal severance tax funds are on the agenda for Thursday and Friday, October 10 and 11.

The Department of Revenue will report on the progress in developing rules for the New Coal Production Incentive Tax Credit, and the Office of Budget and Program Planning will report on the status of the coal severance tax allocation to the State Library and the availability of proceeds in excess of allocation.

AGENDA MODIFIED

The agenda was modified when Chairman Christiaens decided to postpone calling for responses from the governor's staff and the coal industry on their understandings of the objectives of the New Coal Production Incentive Tax Credit. The Chairman decided it would be more useful at this meeting to have staff present a background report for information of new members of the Subcommittee.

The meeting will open at 9:00 a.m., October 10 in Room 104 of the Capitol.

SELECT COMMITTEE ON HEALTH INSURANCE FOR RETIRED PUBLIC EMPLOYEES

COMMITTEE HOLDS FIRST MEETING

The Select Committee on Health Insurance for Retired Public Employees held its first meeting of the interim on Friday, September 13, in Helena. Representative Ralph Eudaily was elected chairman and Senator Esther Bengtson was elected vice-chairman.

The Committee reviewed, revised, and adopted a study plan for the interim after hearing testimony from interested persons on the scope and direction of the study. Members agreed to hire a consultant to assist the Committee during various phases of

the study. In addition, the Committee instructed staff to conduct a survey of state and local government and school district retirees to obtain data on retiree health insurance coverage.

The Committee will meet again in late February for a two-day meeting.

COMMITTEE ON INDIAN AFFAIRS

COMMITTEE ORGANIZES

The Committee on Indian Affairs met for the first time this interim on Friday, September 6, in Helena. During this organizational meeting, Senator Delwyn Gage was elected chairman and Representative Ramona Howe was elected vice-chairman.

The Committee also heard a report on an agreement between the Montana Department of Institutions and the Indian Health Service for the provision of mental health care to involuntarily committed tribal members. In addition, staff from the Governor's Office and the Office of Public Instruction briefed the Committee on the possible impact of the school foundation program lawsuit on Indian impact aid schools.

The Committee also selected the following topics for study this interim:

-- Alcoholism treatment programs and the use of revenue from liquor sales for those programs;

-- Indian representation on state boards and commissions; and

-- Indian Child Welfare Act (with emphasis on placement of Indian children in foster homes) and sexual abuse of Indian children.

SECOND MEETING SET FOR JANUARY

The next Committee meeting will be in January 1986. The focus of this meeting will be on alcoholism treatment programs and the use of revenue from liquor sales.

MONTANA-WESTERN CANADIAN PROVINCES BOUNDARY ADVISORY COMMITTEE

COMMITTEE BEGINS TO ORGANIZE

The Committee met for the first time September 27 to review possible topics for discussions with Canadian officials.

The second meeting was set for Thursday morning, November 7, in Room 104 of the Capitol. Subjects to be addressed then include grasshopper infestations on both sides of the boundary and means of control, movement of slaughter cattle across the border, control of skunk populations and rabies, and prioritization of issues.

WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE

OCTOBER 4-6 MEETING SET

The Forestry Task Force will meet October 4 - 6 at Hayden Lake, Idaho, to hear extensive discussions relating to timber marketing in Western Canada and the United States. British Columbia and the U.S. Forest Service Region 1 stumpage appraisal systems will be compared. Opportunities for improved cooperation in forest product marketing in the Pacific basin will be explored. The Task Force will also consider other forestry issues.

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LEGISLATIVE INTERIM CALENDAR
NOVEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 INFRASTRUCTURE COMM.-rm.104 10am	2
3	4	5 ELECTION DAY	6	7 MONT.-WESTERN CANADA BOUNDARY COMM. rm.104	8 LEG.COUNCIL "LEGISLATIVE PRINTING" (TENTATIVE) rm.104-9am LIEN LAWS COMM. rm.317-10am	9 LIEN LAWS COMM.-rm.104 8am
10	11 VETERANS DAY	12	13	14	15 LEG.FINANCE COMM.-rm.104 ROC - 10am rm.201	16 LEG.FINANCE COMM.-rm.104
17	18	19	20	21	22 ACC-Tentative	23
24	25	26	27	28 THANKSGIVING DAY	29	30

*ALL MEETINGS ARE SUBJECT TO CHANGE

LEGISLATIVE INTERIM CALENDAR

OCTOBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 CSG MEETING,	2 OREGON (CON'T) -----FIVE STATE	3 CONF., LINCOLN, NEBRASKA ------	4 VO-TECH/JOB TRAINING COMM. rm. 104-9am	5
6	7 LAW ENFORC. ACADEMY COMM. rm.104-10am	8	9	10 COAL TAX OVERSIGHT COMM. rm. 104 - all day	11 LEG. AUDIT COMM.-rm.108	12
13	14 COLUMBUS DAY (observed)	15	16	17	18 CAPITOL BLDG. & PLANNING A&E CONF.RM.	19
20	21	22	23	24	25	26
27	28	29	30	31 HALLOWEEN		

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